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March 15, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Reply Comments of Station Resource Group  
MM Docket No. 95-31

Dear Ms. Salas:

Transmitted herewith, are the original and four copies of the Reply Comments of Station Resource Group, filed in response to the above-captioned Further Notice of Proposed Rule Making.

Please refer any questions concerning this matter directly to this office.

Respectfully submitted,

  
John Crigler

JC:ah  
Enclosure

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List A B C D E

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of: )  
 )  
Reexamination of the Comparative ) MM Docket No. 95-31  
Standards for Noncommercial )  
Educational Applicants )

TO: Chief, Mass Media Bureau

**REPLY COMMENTS OF STATION RESOURCE GROUP**

March 15, 1999

Haley Bader & Potts P.L.C.  
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TO: Chief, Mass Media Bureau

**REPLY COMMENTS OF STATION RESOURCE GROUP**

Station Resource Group ("SRG") respectfully submits these Reply Comments in response to the above-captioned further Notice of Proposed Rule Making ("NPRM"), released October 21, 1998.

**INTRODUCTION**

The NPRM invited comment on criteria for awarding construction permits to mutually exclusive ("mx") applicants for frequencies reserved for noncommercial educational ("NCE") use. SRG proposed a simplified point system in which points would be awarded to applicants who would: (1) increase diversity, (2) serve unserved and underserved areas and (3) respond to local needs. SRG also proposed a five-year holding period during which winning applicants would be required to certify compliance with the commitments on which the points awarded were based. Although SRG agreed with other commenters on the desirability of "representative" boards and

indicia of localism, diversity and comparative coverage, it expressed concern that such concepts could not be easily defined or enforced.

### **ANALYSIS OF COMMENTS**

Fifty-six parties filed comments in this proceeding. See Exhibit 1.

Forty-five of these commenters advocate a point system. Two of these 45 comments support either a point or a lottery system. Four of these 45 propose continued use of comparative hearings, but all 4 support a point system as an alternative.

Five commenters address the issue of resolving mx situations in which commercial and noncommercial applicants apply for a non-reserved frequency, but do not advocate any system for resolving mx situations involving a reserved frequency. Two commenters propose continued use of comparative hearings. Two commenters propose lotteries. Two commenters propose credits for the applicant that is the first to file. Of the 56 commenters, only 2 oppose adoption of a point system.

Of those commenters who finds point systems acceptable either as a first choice or as an alternative, 18 propose awarding points for some form of "localism." Fourteen commenters propose a Local Educational Presence credit. Seven of these 18 support a "representativeness" credit. Seven propose credit for applicants proposing to offer locally originated programming. Five propose credits for participation in state-wide or regional/municipal plans.

Four propose credits for applicants receiving local funding. One proposes credit for applicants who include women and minorities on their boards, while 1 proposes credits for diversity of board membership.

Ten commenters propose credits for applicants who will provide a new noncommercial service, particularly to areas that are unserved or underserved by noncommercial stations. Ten propose credits for applicants proposing to provide first local service. Of these 10, 3 propose credits for first local service, 3 propose credits for first and second full-time aural or video service, 1 proposes credits for first, second and third full-time service, 1 proposes credits for first-full-time aural service and service to underserved areas, and 2 propose credits for service to first and second full-time aural service.

Eleven commenters propose credits for applicants proposing to provide 10% or greater service area than other applicants, while 3 of these 11 support credits for applicants proposing to provide both a 10% or greater coverage area and 10% or greater population.

Twenty-six commenters propose credit for “diversity” of ownership, either local, national or both.

Four commenters propose credits for a “clean” past broadcasting record, while three propose credit for applicants with previous broadcast experience.

Four commenters propose credits for applicants proposing facilities improvement.

## **THE COMMISSION SHOULD NOT CONTINUE TO USE COMPARATIVE HEARINGS**

Only four applicants, Jimmy Swaggert Ministries (“JSM”), Pinebrook Foundation, Inc. (“Pinebrook”) Center for Media Education (“Center”) and the Board of Directors of NCE Station KDNK, Carbondale, Colorado (“KDNK”) propose that the Commission continue to use the traditional comparative hearing process to award a construction permit to one of several mx’d applicants. All four propose a point system if comparative hearings are not retained. JSM concedes that “comparative hearings may frequently be slow or costly,” but defends such hearings on grounds that they “maximize the Commission’s opportunity to make a fully informed appraisal of the evidence indicating which applicant will most successfully integrate the desired broadcast facilities with its overall educational mission.” JSM, Pinebrook, Center and KDNK, unfortunately, have little to say about the issues that were designated in comparative hearings. These issues included such conundrums as “the extent to which each of the proposed operations will be integrated into their respective overall cultural and educational objectives”; “whether other factors in the record demonstrate that one applicant will provide a superior noncommercial broadcast service”; and “whether a share time arrangement between the applicants would result in the most effective use of the specified channel and thus better serve the public interest.” Although mx’d NCE applicants battled for decades over the meaning of these standards, the

Review Board ultimately concluded that the issues were so amorphous as to be meaningless. See *Black Television Workshop of Santa Rosa, Inc.*, 65 RR 2d 34, 35 (Rev. Bd. 1984). The commenters shed no light on how these issues could be redefined so as to make meaningful distinctions among applicants.

JSM seems to assume that in the future, as in the past, these issues will often result in “ties.” In fact, most of JSM’s comments are devoted not to a discussion of the comparative issues, but to the question of how to break ties by means of a comparative coverage formula JSM proposes.

JSM defends its formula as being straightforward and readily measurable. What JSM does not note is that its proposal applies to engineering *proposals*. Such proposals may be at least as evanescent as the composition of a non-profit board which, in JSM’s view, is an unreliable indicator of an applicant’s comparative qualities because such a board “lacks permanence.” JSM does not propose that applicants be required to construct the facilities they propose, or that they be penalized for making substantial changes in those proposals after receiving a construction permit.

Current rules classify as a “major change,” a change in frequency, community of license, or a change in technical facilities that results in a change of 50% or more in the area within the station’s predicted 1 mV/m field strength contour. See 47 CFR § 73.3573(a)(1). Proposed rules would relax this standard further by eliminating the 50% change provision. The JSM proposal would thus allow an applicant to obtain a construction permit based upon an engineering proposal which maximized the credits available under the tie-



breaking comparative coverage formula, and then propose a “minor” modification that changes actual coverage by more than 50%. The mathematical accuracy of JSM’s tie-breaking proposal is thus entirely illusory.

### **THE COMMISSION SHOULD NOT ADOPT A LOTTERY SYSTEM**

Two commenters, Pensacola Christian College (“PCC”) and Educational Media Foundation (“EMF”), express support for a lottery system. Two other commenters, Community Television, Inc. (“Community”), and Francis Marion University (“FMU”), express support for either a lottery system or a point system.

PCC supports a lottery on grounds that a lottery is the most efficient system for handling backlogged mx’d applicants and for expediting new uses of the spectrum. In addition, PCC maintains that a lottery will lower entry barriers and thus encourage small and minority entities to apply. PCC contends that, by contrast, a point system is costly to implement, involves interpretation of subjective terms, requires Commission resources to evaluate competing applicants, and encourages litigation. EMF echoes these arguments and adds that any point system will be subject to manipulation.

Both Community and FMU endorse criteria that could be implemented either through a lottery or a point system. Community expresses a mild preference for a lottery because a lottery would not result in ties. FMU does

not express a preference between the two systems so long as educational institutions receive a dispositive preference.

While those favoring a lottery system vaunt the simplicity of a lottery, some commenters recognize that a lottery raises complex legal issues. Both PCC and EMF acknowledge that Section 309(i)(3) of the Communications Act requires the Commission, in implementing any broadcast lottery, to give significant preference to applicants who: will increase the diversity of ownership, and to give “an additional significant preference” to minority applicants.

PCC contends that a purely random lottery, which grants no preferences to any applicant, will satisfy the statutory language. It reasons that by lowering the barriers for filing applications, the Commission will indirectly encourage diversity and thus “give significant preference to minorities.” The Commission can thus, apparently, comply with the requirements of the Communications Act by ignoring them. By PCC’s logic, giving minorities and non-minorities, new entries and multiple owners all the same odds of winning, somehow gives a “significant preference” to new entries and “an additional significant preference” to minority applicants.

EMF also avoids the minority preference issue by arguing that it is indistinguishable from a diversification of ownership preference (“[T]hese two preferences seek to accomplish the same purpose.”) EMF nonetheless acknowledges that the Commission “will be required to consider the constitutional issues posed by the minority preference in light of certain court

decisions” and that “legislative action may be invoked to modify the scope of the minority preference.”

Having magically transmuted a diversity of ownership preference into a minority preference, EMF maintains that a diversity preference should be based upon the composition of a governing board. In recognition of the fact that the governing boards of nonprofit corporations are subject to frequent changes, EMF proposes that the Commission require applicants that prevail on the basis of a diversity preference to maintain a “similarly qualified” board for five years following the commencement of operations.

EMF provides few standards for how a “similarly qualified” board would be determined, but acknowledges that its proposal involves Commission monitoring over a five year period. The suggested remedy for failing to maintain a “similarly qualified” board is unspecified. Notably, EMF does not propose that a permittee surrender a construction permit or license obtained through a diversity preference if changes in its board render it ineligible for the preference.

Although lottery proponents gloss over complex statutory and constitutional problems inherent in a lottery, they acknowledge, and indeed create, complications in devising lottery processing rules. For example, PCC proposes that losing applicants be given “Lottery Replacement Application Reference Numbers” that would permit the applicant to file a “consolation short-form application.” The proposed lottery does not merely select a winner, it confers “consolation” filing rights on losers.

Although the lottery proponents endorse the use of a filing window to control the large number of applications that a lottery system could generate, they contemplate a system in which organizations such as EMF and PCC could continue to file dozens of applications a year. In fact, the primary purpose of the elaborate “Displacement Application Reference Number” devised by PCC is to allow applicants to exceed the five application limit for a given filing window.

The proposed lottery systems are not only more complex than they purport to be, they are antithetical to the way in which NCE licenses have been regarded. A community group, a college, a cultural organization, a county or state typically want to serve a specific community or geographic area. They do not regard reserved frequencies as fungible commodities which can be acquired by the gross, but as a rare and precious resource for which no adequate substitute exists.

Although lottery proponents argue that their proposals lower entry barriers, increase diversity, and attract new applicants, the fact is that very few non-profit organizations are capable of applying for reserved frequencies on a wholesale basis. These few applicants, not the vast majority of traditional nonprofit organizations, would benefit from a lottery. Only a few applicants are constituted to play a lottery—that is, to maximize their odds of acquiring frequencies by filing the maximum number of applications allowed in a filing window, and by filing in virtually every window in which frequencies become available. While a lottery system may be rational in a commercial context

where licenses are regularly bought and sold for prices determined by market forces, a lottery is inconsistent with the very notion of “reserving” frequencies for special educational and cultural uses that are not subject to the forces that establish commercial values.

**THE COMMISSION SHOULD NOT ADOPT A  
FIRST-COME, FIRST-SERVED SYSTEM**

American Family Association (“AFA”) opposes lottery and point systems and recommends that the Commission adopt a “first in line” policy. This policy would grant a construction permit to the first acceptable application to be filed among mx’d applications.

AFA bases its opposition to lotteries on AFA’s experience with applicants who “overfile” AFA applications. As AFA explains, Broadcasting for the Challenged (“BFTC”) characteristically files “on top of other non-profits which had done the original work to find the frequency.” All BFTC’s applications are “copycats.” AFA also cites its experience in having virtually its entire application copied by Positive Programming Foundation and then re-filed as an mx’d application. AFA fears that a point system would encourage abuses such as these. By contrast, AFA argues, a “first in line”

policy would curb these abuses by eliminating the very possibility of mx'd applications.<sup>1</sup>

AFA's defense of a "first in line" policy on grounds of simplicity is perhaps unassailable. A "first in line policy" makes even a lottery look complex. Unfortunately, a "first in line" policy has no virtue other than simplicity. While it may reduce administrative burdens and discourage copycat applications, it does nothing to advance the public interest by assuring that meritorious applicants are awarded construction permits. It would grant the first acceptable application to be filed, without regard to the issue of whether that applicant would best serve the public interest.

Not coincidentally, a "first in line" system would handsomely reward AFA, which has 178 pending applications for new facilities, 115 of which are mx'd. *See SRG Comments Exhibit 1, page 2.* Adoption of AFA's proposal would presumably resolve those proceedings by granting scores of AFA's applications.

"Copycat" applications are not the only abuse with which the Commission should be concerned. Adoption of AFA's proposal would reward those who will most rapidly exhaust the reserved spectrum and would concentrate control of remaining NCE frequencies in the hands of the few applicants who are organized to acquire NCE broadcast spectrum on a

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<sup>1</sup> By contrast to AFA's radical proposal, other applicants propose a point system in which the "first to file" receives points (Moody Bible Institute), or in which a first-to-file criterion is used as a tie-breaker in a point system (See West Coast Public Radio/Rocky Mountain Public Radio).

nationwide basis. The FCC should use this proceeding to deter, not encourage, such results.

### **THE COMMISSION SHOULD ADOPT A POINT SYSTEM**

As discussed in the opening section of these Reply Comments, the vast majority of commenters proposes adoption of a point system. The point systems advocated vary widely in scope and complexity. Some proposals would award points for a wide range of different criteria (NFCB, e.g.). Others propose points for a limited number of criteria (SRG, e.g.). Commenters disagree over whether points should be awarded for such criteria as superior coverage (*compare* Public Radio for the Front Range and State of Oregon), “representativeness” of the governing board (*compare* West Coast Public Radio/Rocky Mountain Public Radio and SRG); and first local service (*compare* Residents of Ponca, Nebraska and Jimmy Swaggert Ministries).

Even commenters who agree that a particular criterion should be rewarded may disagree on the definition of the criterion or the number of points that are appropriate (*compare* definitions of “localism” in comments by NPR/APS/CPB and by Francis Marion University).

Some criteria are proposed only by a few commenters, e.g. credits for broadcast experience (See Jimmy Swaggert Ministries and Faith Broadcasting, Inc.); locally originated programming (See NFCB and Americans for Radio

Diversity); and uniqueness of programming (Student Educational Broadcasting).

Although these variations of approach and divergences of view undoubtedly reflect the heterodox nature of noncommercial broadcasting, the comments are not a chaotic welter of opinion. To the contrary, the comments reveal considerable agreement on a core set of values common to quite different types of noncommercial broadcasters.

Applicants as diverse as American Family, NPR/APS/CPB, EMF and SRG urge the Commission to curb abuses permitted under current rules by replacing cut-off procedures with filing windows and by strictly limiting the number of applications that any applicant may file during a given filing window. The imposition of holding periods for construction permits, annual certifications and other devices to assure that applicants abide by proposals contained in their applications, has wide appeal.

Although many commenters express sympathy for a minority preference, commenters generally recognize that there are serious constitutional impediments to such an award. As a group, commenters urged the Commission not to adopt such a preference, at least without conducting further fact finding (NFCB) or seeking legislative changes (PCC).


Most commenters disfavor awarding points to the first applicant to file, *but see* comments of Penny Jackson and Moody Bible Institute of Chicago, and oppose mandatory time sharing as a means of breaking ties, *but see* Public Radio for the Front Range and Colorado Christian University.



In sum, although they sometimes differ on matters of policy and often differ on details, the vast majority of commenters propose a point system which will promote localism, diversity of ownership, and service to unserved or underserved areas. These variegated responses thus suggest agreement on a core set of values upon which a workable point system can be based.

Respectfully submitted,

**STATION RESOURCE GROUP**

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March 15, 1999

## SUMMARY OF COMMENTS

## REEXAMINATION OF COMPARATIVE STANDARDS FOR NONCOMMERCIAL EDUCATIONAL APPLICANTS

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
1	Noncommercial Educational Broadcast Licensees	System based on "need" and point system. Credits for localism, diversity of ownership, first service. Demerits for multiple ownership	Reserve additional spectrum for NCE use.
2	Faith Broadcasting, Inc.	Point system with credits for experience, "clean" record, if plan 10% greater service than other applicants. No extra points for educational, state or municipal applicant	
3	Residents of Ponca, Nebraska	Point system with credits for localism, diversity, first local service	
4	The Executive Committee of the Trustees of Boston University (WBUR-FM) & the WRNI Foundation	Supports NPR proposal	
5	KBPS Public Radio Foundation	Point system. Supports a "Local Educational Presence Credit"	
6	National Federation of Community Broadcasters	Point system with credits for board membership of more than 50% local residents, locally originated programming, opportunities for public to obtain air time, 50% or more funding from local sources, new program format, control of few other stations Supports NPR re: tie breaker	
7	Moody Bible Institute of Chicago	Point system. Suggests that credits NOT be given for local presence or minority control. Credits for "first applicant to file," past NCE broadcast record, proposes to serve 10% greater area than others, educational institution	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
8	Michael Black	Discusses point system criteria though never specifies preference for "point system" per se	
9	Student Educational Broadcasting	Point system. Credit for localism, independent ownership over multiple ownership, uniqueness of programming, paid vs. unpaid staff, locally originated programming, amount of scheduled air time	Use the Administrative Law Judges to determine the merits of each application
10	The State of Oregon	Point system. Credit for localism, technical capability, diversity (supports NPR's proposal). For competing comm'l/NCE, Commission should compare using NCE point system.	
11	The Regents of the University of California	Point system. Credits for local educators, locally produced programming, responsiveness to public interest, convenience & necessity, representation of women & minorities on Board Also proposes negative points	
12	Robert T. Wertime	Point system. Break ties through comparative hearings	
13	Real Life Educational Foundation of Baton Rouge, Inc.	Point System. Endorses a "representativeness credit" - consideration of minority involvement, local residence of principals, community representation on Board, objectives that are directed outwardly toward community rather than inward toward licensee	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
14	St. Gabriel Communications, Ltd.	Point system with credits for local diversity, fair distribution of service, local educational presence, representativeness credit	
15	Sister Sherry Lynn Foundation, Inc.	Point system with credits for applicant that proposes to serve 10% greater area than others, diversity of ownership	
16	Houston Christian Broadcasters, Inc.	Point system with credits for being "First Applicant", past NCE broadcast record, proposes to serve 10% greater area than others, diversity of ownership	
17	Sound of Life, Inc. et al.	Point system. Supports "pioneer" preference, credits for diversification of ownership, local educational presence, state or municipal education plans; support translators for "fill in" coverage over imported distant signals.	
18	Augusta Radio Fellowship Institute, Inc.	Point system with credits for past NCE record, proposes to serve 10% greater area than others, diversity of ownership, preference based on availability of alternative channels	
19	WAY-FM, et al.	Point system with credits for diversity of ownership, local diversity, first and second service, proposes to serve 10% greater area than others	
20	Western Baptist College	Point system with credits for local diversity, national diversity, Local Educational Presence Credit	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
21	Penny Jackson	Point system which supports "finders preference" and credits for local/national diversity	
22	Colorado Christian University	Point system with credits for local diversity, fair distribution of service, new reception service, new transmission service, coverage differences of 10 and 25 percent, differences in eliminated local white area, local staffing of a studio, replacement of an existing translator service which has been in place for 3 or more years, and status as an accredited institution. Suggests "time sharing" method for tie breakers.	
23	Cedarville College	Point system with credits for participation in state or municipal education plan should be extended to entities participating in existing or proposed state-wide education network plan of a private educational entity.	
24	Dale Jackson	Point system. Proposes finder's preference; credits for local and national diversity, efficient use of spectrum.	
25	Roaring Fork Public Radio Translator, Inc. and Pitkin County, Colorado	Point system with credits for use of facility to maintain service to areas served directly or by relay through translators, establishment of main studio within station's service area, local service area presence	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
26	West Coast Radio, et al.	Point system with credit for localism (local applicant, local directors and officers, local funding, Local Educational Presence, representativeness), diversity of ownership, first, second and third full-time service, proposes to serve 10% greater area than others, proposes facilities improvement. First-to-file for tie breakers.  Demerits for multiple ownership.	
27	Community Television, Inc.	Lottery OR point system with credit given to applicant having a principal who possesses at least 3 years experience as a principal in operating a NCE station.	Lottery has advantage over point system in that there is no possibility of a tie.
28	National Public Radio, et al.	Point system with credits for localism (located within 100 miles of proposed facilities, located within same state, or part of "State-Wide Plan" located within same state or bordering community), local directors and officers, local funding, Local Educational Presence, "representativeness, diversity of ownership, first full-time aural or video service, second full-time aural or video service, proposes to serve 10% or greater area AND population than other applicants, PTFP eligibility, facilities improvement.	Point system should apply to FM and TV translators, with priorities for fill-in service and displaced translators.
29	The Station Resource Group	Point system with credits for ownership diversity, first full-time aural service and underserved areas, proposes to serve 10% more area and 10% more people, local presence of applicant	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
30	Minnesota Public Radio	Supports NPR proposal	
31	Community Broadcasting, Inc.	Point system with credits for first full-time aural service, second full-time aural service, first local service, "other public interest matters"	
32	Taylor University Broadcasting, Inc.	Point system with credits for "Local Educational Presence" and "State-Wide Plan"	
33	Francis Marion University	Lottery or Point System with credit for local educational institutions, particularly those with established connections with local community of license. Favors "Local Educational Presence" credit.	
34	Americans for Radio Diversity	Point system with credits for owners that reside in the community, locally originated programming, owners not currently holding licenses or other media interests. Lesser weight given to commitment to longer broadcast day, stations proposing to use large number of volunteers.	
35	Public Radio for the Front Range	Point system with credit for owners and board members that live within the service area, ownership diversity. Time sharing to break ties.	
36	New Life Evangelistic Ministries	Point system. Must NOT give credits for minority applicants	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
37	Cornerstone Community Radio, Inc.	Point system with credit for first to file, locally originated programming, fair and equitable distribution among respective states and communities	
38	Joy! 102.5 WOLC	Point system with local ownership, local involvement, local main studio, diversity of Board	
39	Chris McConkey	Point system with credit for local diversity, locally originated programming	
40	Curt Dunnam	Point system with credit for locally originated programming	
41	Manuel F.V. Pereira	Point system with credit for first to file, local diversity and ownership, locally-based applicants	Also supports window filing system to limit the number of applications and applicant can file within specified period.



#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
42	Pensacola Christian College	Lottery.	
43	CSN International	<p>First, the C. must ascertain and dismiss speculative applications, or those filed with no concern for the viability of the particular proposal advanced. Second, C. must not conduct lottery. Third, C. should not adopt point system.</p> <p>Commenter agrees with Further Notice that points should be given for local diversity, materially greater coverage of area and population, and service to unserved communities.</p>	
44	Jack I. Gartner	Auction. Gartner is an applicant for a construction permit for a commercial television station where 2 noncommercial entities also have filed. The noncommercial applicants are mutually exclusive.	
45	Big Sky Broadcasting Co.	<p>Competitive Bidding.</p> <p>Big Sky has an application pending before FCC for construction permit to build commercial FM station.</p> <p>Application is mutually exclusive with NCE and commercial applicants.</p>	
46	Laredo Community College	The Commission should "triage" the backlogged applications without waiting for further studies on ownership diversity. Suggests C. adopt objectively based triage system. C. must define criteria and eliminate any "losing" applications immediately.	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
47	Elgin FM Limited Partnership	Elgin is a commercial broadcaster with an application that is MXd with 5 others, including a NCE broadcaster. Takes position that all NCE entities should be restricted to applying only for NCE frequencies.	
48	Educational Media Foundation	Window Filing System Coupled with Lottery Procedure. Suggests system similar to the low power TV and translator service to choose among competing NCE applicants.	Doesn't propose a point system, <i>but</i> if Commission adopts one, then suggests credits for local diversity, fair distribution of service, technical parameters, and other factors such as minority control, established local presence, participation in state-wide plan, and, in the television context, leadership that is representative of the community.
49	Pinebrook Foundation, Inc.	Suggests a modified comparative evaluation, but would advocate point system as alternative. Suggests evaluation that considers the characteristics unique to NCE licensees; includes mechanism to weed out applications not filed in good faith; and considers lessons learned in FCC's recent assessments of comparative formulae.	Proposal still looks like a point system. Criteria in evaluating applicants includes meritorious broadcast record, local ties to community or service area, technical considerations.
50	Jimmy Swaggart Ministries	Wants to maintain traditional hearing process, but if abandoned, then FCC should point system. Require established educational presence as prerequisite for participation. Credits for local diversity, first local service, broadcast experience	
51	John K. Stroud for KDNK Board of Directors	Wants FCC to retain traditional comparative hearing process, but believes point system is best alternative to lottery.	

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
52	Center for Media Education, et. al	Prefers to retain hearings, but would accept point system as alternative. Consider representation of local community by Board. Credits for diversity of control, fair distribution of service, technical parameters/spectrum efficiency. Resolve ties through comparative hearings	FCC should reserve additional comm'l spectrum for NCE use.
53	Kaleidoscope Foundation, Inc.	Hybrid Lottery/ Auction System Initial lottery among all applicants (NCE and commercial). If NCE applicant wins the lottery, then FCC should issue a NCE license to that entity. If NCE applicant does not win, an auction should be held among all applicants. Regardless of which applicant wins the auction, the winning applicant would be granted a commercial license.	Alternatively, all applicants (incl. NCE) could participate in an auction. If NCE wins, it would pay the amount of its winning bid and would be issued a commercial license.
54	James J. Stephens, Jr.	Proposes finders preference; preference for local presence and local, regional and state networks or regional networks when applicant crosses state line into adjacent state. Exclusive rights to channel if additional channel available to accommodate the competing applicant.	Auction would be next best solution.

#	NAME	PROPOSED SYSTEM	OTHER PROPOSALS
55	De La Hunt Broadcasting	De La Hunt is a commercial licensee. States that "[i]nsofar as De La Hunt is a commercial broadcaster, De La Hunt does not possess a strong preference with regard to the precise method that should be used to choose between competing noncommercial applicants. In such an instance, where all applicants are proposing to provide a noncommercial service, each of the different methods the FCC proposes to choose between competing applicants appear to be fair and efficient methods of choosing between competing applicants."	
56	American Family Association	"First in Line" system whereby first applicant to file wins.	